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7 8	UNITED STATES DISTRICT COURT DISTRICT OF THE NORTHERN MARIANA ISLANDS				
9   10	UNITED STATES of AMERICA,	) Case No.: 07-00008			
11 12	Plaintiff, v.	) GOVERNMENT'S PROPOSED ) STATEMENT OF THE CASE, ) PRELIMINARY INSTRUCTIONS, ) AND VERDICT FORM			
13 14	JEFFREY H. BORJA,	Trial Date: July 2, 2007 Trial Time: 9:00 a.m. Trial Judge: Hon. Alex R. Munson			
15	Detendant				
16	The United States submits, for the Court's consideration and use at trial of the above-				
17	captioned case, the following documents:				
18	1) Statement of the Case;				
19	2) Preliminary Instructions; and				
20	3) Verdict Form				
21	Respectfully Submitted,				
22	LEONARDO M. RAPADAS United States Attorney				
23	United States Attorney				
24		CDAIC N. MOODE			
25	CRAIG N. MOORE Assistant U.S. Attorney				

## UNITED STATES DISTRICT COURT DISTRICT OF THE NORTHERN MARIANA ISLANDS

2 3 4 UNITED STATES of AMERICA, Case No.: 07-00008 5 Plaintiff, **COURT'S STATEMENT OF THE CASE** 6 v. Trial Date: July 2, 2007 7 Trial Time: 9:00 a.m. Hon. Alex R. Munson Trial Judge: 8 JEFFERY H. BORJA, 9 Defendant

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The Indictment in this case charges the defendant, Mr. Jeffery H. Borja, with one count of Distribution of a Controlled Substance Within One Thousand feet (1000') of a School in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), and 860(a). The defendant has entered a plea of Not Guilty to the charge against him. He is presumed innocent of that charge unless and until the government proves the defendant guilty beyond a reasonable doubt.

ALEX R. MUNSON
United States District Court Judge

## UNITED STATES DISTRICT COURT DISTRICT OF THE NORTHERN MARIANA ISLANDS

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v.

UNITED STATES of AMERICA, Case No.: 07-00008

Plaintiff, OCOURT'S PRELIMINARY INSTRUCTIONS

) Trial Date: July 2, 2007 ) Trial Time: 9:00 a.m.

JEFFERY H. BORJA,

) Trial Judge: Hon. Alex R. Munson

Defendant

As I have already told you, the Indictment in this case charges the defendant, Mr. Jeffery H. Borja, with one count of Distribution of a Controlled Substance Within One Thousand feet (1000') of a School in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), and 860(a). At the end of the case, before you begin your deliberations, I will give you detailed instructions about the law that you must apply. Now, however, in order to help you better understand the evidence as the trial proceeds, I am going to give you a preliminary instruction about the offense charged in the Indictment.

Every criminal charge has a number of "elements" or parts. The crime of Distribution of a Controlled Substance, that is, d-methamphetamine hydrochloride in the form commonly known as "ice," Within One Thousand feet of a School has three (3) such elements. Those elements are:

- 1) that defendant knowingly and intentionally delivered a controlled substance, that is, methamphetamine, or some other prohibited drug;
- 2) that defendant knew that is was methamphetamine or some other prohibited drug; and

3) that the defendant delivered the controlled substance in, on, or within one thousand feet (1000') of the real property comprising a private elementary school.

It does not matter whether the defendant knew that the substance was methamphetamine. It is sufficient that the defendant knew that it was some kind of a prohibited drug.

In order to prove that the defendant committed the offense, the government must prove each of these elements beyond a reasonable doubt.

ALEX R. MUNSON
United States District Court Judge

## UNITED STATES DISTRICT COURT DISTRICT OF THE NORTHERN MARIANA ISLANDS

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4 5	UNITED STATES of AMERICA,	) Case No.:	07-00008		
6 7	Plaintiff, v.	VERDICT I			
8	JEFFERY H. BORJA,	<ul><li>) Trial Date:</li><li>) Trial Time:</li><li>) Trial Judge:</li><li>)</li></ul>	9:00 a.m.		
9   10	Defendant	) )			
11 12 13	We, the Jury, render the following unant	imous verdict o	n the charges in the Indictment:		
.4	Count 1: Distribution of d-methamphetamine hydrochloride in the form commonly				
15	known as "ice" on or abo	out November 14	4, 2002		
16 17	Guilty	No	t Guilty		
.8	If – and only if you find the defendant guilty of Count 1, was the offense committed				
9	within one thousand feet (1000') of a private elementary school?				
20					
21   22	Yes	No			
23					
24	Foreperson	Dar	te		
25					